

# REGISTER

*South Dakota Legislative Research Council*



*Volume 32*

*Tuesday, 8:00 a.m., January 17, 2006*

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**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Education: Board of Education:*** (January 10, 2006) intends to amend rules that will hold institutions of higher learning to national standards, which will ensure that candidates for teacher certification will be qualified and capable of meeting the needs of all students; allow a teacher who obtains an advanced degree and/or National Board Certification to receive a one-time, ten-year, renewed teaching certificate without having to fulfill the standard renewal requirement of an additional six hours of credit; and create a K-12 mathematics science specialist endorsement program requirements and science specialist endorsement program requirements. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1 and 13-42-3.

A public hearing will be held in Conference Room 3 of the Kneip Building at 700 Governors Drive, Pierre, South Dakota, on January 24, 2006, at 1:15 p.m. CDT. Copies of the proposed rules may be obtained without charge online at <http://doe.sd.gov/secretary/adminrules/index.asp> or from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments may be sent to the board at the address above and must be received by January 24, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3426 at least 48 hours before the hearing.

## **DECLARATORY RULINGS:**

The South Dakota Commission on Gaming has filed a copy of its declaratory ruling regarding Donna Kellar dated December 31, 2005. The Commission has determined that Ms. Kellar is entitled to up to 3 retail licenses in her own name upon proper application to the South Dakota Commission on Gaming.

The South Dakota Commission on Gaming has filed a copy of its declaratory ruling In the Matter of Hotel Franklin, Inc., December 2005, dated December 31, 2005. In this ruling the commission has determined that the "1924 Expansion," the "Lobby Expansion," the new construction known as "Gaming," and the area known as "Callahan's" are separate structures for the purpose of determining the number of gaming devices that can be placed in each structure.

The South Dakota Commission on Gaming has filed a copy of its declaratory ruling In the Matter of Deadwood Resorts, LLC, dated January 10, 2006. The Commission determined that the new construction of Deadwood Resorts, LLC, to be located at Highway 85 and Mount Roosevelt Road, Deadwood, South Dakota, are 12 separate buildings for the purpose of the placement of gaming devices within each building.

The **South Dakota Real Estate Commission** has filed a copy of its resolution to repeal two declaratory rulings. The Real Estate Commission's Resolution 06-30-05-01, dated July 27, 2005, repeals Declaratory Ruling 93-1 and Resolution 06-30-05-02, dated July 27, 2005, repeals Declaratory Ruling 03-01.

Copies of the declaratory rulings may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

#### **FILINGS IN THE LEGISLATIVE RESEARCH COUNCILS OFFICE:**

The **Department of Environment and Natural Resources** has filed the following two reports with the Legislative Research Council:

The 2005 Annual Recycling Report which contains information regarding Pierre's state paper recycling program, state office paper recycling, the purchase of recycled products, and recycling goals for state agencies.

The Master List of Permits which lists all mining permits, notices, and certificates that may be required by law or rule.

A copy of the reports may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

#### **FILINGS IN THE SECRETARY OF STATES OFFICE:**

**DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE:** 20:06:08:39; 20:06:10:08.01, 20:06:10:08.02; 20:06:13:58.01, 20:06:13:58.02; 20:06:14:03.02; and 20:06:18:08.

History-Notice: 32 SDR 86, Nov. 14, 2005  
Hearing: December 7, 2005  
Filed: January 9, 2006  
Effective: January 29, 2006

**DEPARTMENT OF REVENUE AND REGULATION: COMMISSION ON GAMING:** 20:18:16:15.13.

History-Notice: 32 SDR 21, August 1, 2005  
Hearing: December 13, 2005  
Filed: January 10, 2006  
Effective: January 30, 2006

**DEPARTMENT OF REVENUE AND REGULATION: COMMISSION ON GAMING:** 20:18:16:15.01, 20:18:16:15.02, 20:18:16:15.03, 20:18:16:15.05, 20:18:16:15.06, 20:18:16:15.07, 20:18:16:15.08, 20:18:16:15.09, 20:18:16:15.10, 20:18:16:15.11; and 20:18:18:26.

History-Notice: 32 SDR 85, Nov. 14, 2005  
Hearing: December 13, 2005  
Filed: January 10, 2006  
Effective: January 30, 2006

**DEPARTMENT OF HEALTH:** 44:03:01:10.02, 44:03:01:12.01; 44:04:01:01, 44:04:01:07; 44:04:02:03.01, 44:04:02:06, 44:04:02:08, 44:04:02:12, 44:04:02:14, 44:04:02:17; 44:04:04:03, 44:04:04:05, 44:04:04:08.01; 44:04:05:01; 44:04:07:02.02, 44:04:07:17; 44:04:11:12; 44:04:12:05; 44:04:13:15, 44:04:13:18, 44:04:13:26, 44:04:13:37, 44:04:13:50; 44:04:17:13; 44:04:19:01, 44:04:19:02; 44:58:02:23; and 44:58:03:02.01.

History-Notice: 32 SDR 93, Nov. 21, 2005  
Hearing: December 14, 2005  
Filed: January 10, 2006  
Effective: January 30, 2006

**DEPARTMENT OF GAME, FISH AND PARKS COMMISSION:** 41:03:04:03.

History-Notice: 32 SDR 85, Nov. 14, 2005  
Hearing: December 1-2, 2005  
Filed: January 11, 2006  
Effective: January 31, 2006

**BUREAU OF ADMINISTRATION:**

10:02:02:01 and 10:02:02:02.

History-Notice: 32 SDR 85, Nov. 14, 2005

Hearing: December 8, 2005

Filed: January 11, 2006

Effective: January 31, 2006

**DEPARTMENT OF TOURISM AND  
STATE DEVELOPMENT: STATE  
HISTORICAL SOCIETY: 24:52:05:02.**

History-Notice: 32 SDR 99, Nov. 28, 2005

Hearing: December 9, 2005

Filed: January 11, 2006

Effective: January 31, 2006

**DEPARTMENT OF HEALTH: BOARD OF  
EXAMINERS IN OPTOMETRY:**

20:50:04:09 and 20:50:04:11.

History-Notice: 32 SDR 99, Nov. 28, 2005

Hearing: December 15, 2005

Filed: January 11, 2006

Effective: January 31, 2006

**DEPARTMENT OF SOCIAL SERVICES:  
OFFICE OF MEDICAL SERVICES:**67:16:14:05, 67:16:14:06.02, 67:16:14:11,  
67:16:14:12, 67:16:14:18, 67:16:14:19,  
67:16:14:21, 67:16:14:22, 67:16:14:23, and  
67:16:14:24.

History-Notice: 32 SDR 86, Nov. 14, 2005

Hearing: December 5, 2005

Filed: January 12, 2006

Effective: February 1, 2006

**DEPARTMENT OF SOCIAL SERVICES:  
OFFICE OF ECONOMIC ASSISTANCE:**67:13:01:02, 67:13:01:05, 67:13:01:06, and  
67:13:01:17.

History-Notice: 32 SDR 87, Nov. 14, 2005

Hearing: December 5, 2005

Filed: January 12, 2006

Effective: February 1, 2006

**DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES: WATER  
MANAGEMENT BOARD: 74:51:03:25.**

History-Notice: 32 SDR 93, Nov. 21, 2005

Hearing: December 7, 2005

Filed: January 12, 2006

Effective: February 1, 2006

**Executive Appointments:**

**Erin Horstmeyer**, Sioux Falls, was reappointed on January 6, 2006, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2008.

**Shauna Klipfel**, Aberdeen, was appointed on January 6, 2006, to the **South Dakota Interagency Coordinating Council**, to replace Byron Petersen, effective immediately and shall continue until December 31, 2008.

**Carl Nighbert**, Madison, was appointed on January 6, 2006, to the **South Dakota Interagency Coordinating Council**, to replace Stephanie Krusemark, effective immediately and shall continue until December 31, 2006.

**Debra C. Flute**, Roberts County, was appointed on January 9, 2006, to the **Board of Pardons and Paroles**, to replace Cheryl Laurenz-Bogue, effective immediately and shall continue until January 15, 2007.

**Judicial Appointment:**

**Sara L. Burnette**, Sioux Falls, was appointed to the **Board of Pardons and Paroles**, to replace Timothy W. Bjorkman, effective March 1, 2006.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of

Pharmacy, the Real Estate Commission, the Gaming Commission, the  
Department of Revenue and Regulation, and the Department of Labor

for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

1-24-2006	Education: Board of Education	Amend rules that will hold institutions of higher learning to national standards, which will ensure that candidates for teacher certification will be qualified and capable of meeting the needs of all students; allow a teacher who obtains an advanced degree and/or National Board Certification to receive a one-time, ten-year, renewed teaching certificate without having to fulfill the standard renewal requirement of an additional six hours of credit; and create a K-12 mathematics science specialist endorsement program requirements and science specialist endorsement program requirements; 32 SDR 127.
1-26-2006	Transportation	Amend a rule regarding longer combination vehicle – approved routes and access restrictions to address construction changes to US Highway 281 and repeal a trip log rule because it is covered by other administrative rules; 32 SDR 117.

### Rules Review Committee Meetings

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-first Legislative Session to set the tentative meeting schedule for the 2006 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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